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Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization
21 February-1 March 2017

Draft report

Rapporteur: Mr. Isaías **Medina** (Bolivarian Republic of Venezuela)

II. Maintenance of international peace and security

D. Consideration of the revised working paper submitted by Belarus and the Russian Federation

1. During the general exchange of views held at the 284th and 285th meetings of the Special Committee, on 21 and 22 February 2017, and at the 2nd meeting of the Working Group of the Whole, the Special Committee considered the further revised working paper submitted by Belarus and the Russian Federation at the 2014 session of the Special Committee (see A/69/33, para. 37), in which it was recommended, inter alia, that an advisory opinion be requested from the International Court of Justice as to the legal consequences of the resort to the use of force by States without prior authorization by the Security Council, except in the exercise of the right to self-defence.

2. The sponsors of the proposal recalled the background of the proposal and highlighted the continued relevance of the subject matter of the revised working paper and its value in providing a common understanding of the legal consequences of the resort to the use of force by States without prior authorization by the Security Council. A sponsor delegation expressed its regret that consensus had not yet been achieved on the proposal, which had initially been introduced at the 1999 session of the Special Committee (see A/54/33, para. 90). The sponsors favoured retaining the proposal on the agenda of the Special Committee and called on delegations to work on a consensus document that could be presented to the General Assembly.

3. Several delegations reiterated their support for the proposal and its further consideration. It was stated that the proposal remained topical and was pointed out that an advisory opinion by the International Court of Justice would contribute to clarification of the provisions of the Charter regarding the use of force.

4. Opposition to the request for an advisory opinion, which had been expressed at previous sessions of the Special Committee, was reiterated.

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